

#### IV. Collection of Information Requirements

This interim final rule with comment does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

#### V. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

#### VI. Regulatory Impact Statement

We have examined the impact of this interim final rule with comment period as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96-354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104-4), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects (\$100 million or more in any 1 year). This is not a significant rule and we have determined that this interim final rule with comment does not have a significant economic impact. Therefore, we have not prepared an RIA.

With regards to the ESRD transition budget-neutrality adjustment, we believe that with a zero percent adjustment we are budget-neutral for

payments made for renal dialysis services furnished on April 1, 2011 through December 31, 2011. The zero percent transition budget-neutrality adjustment applied to payments made to ESRD facilities for renal dialysis services furnished on April 1, 2011 through December 31, 2011 will increase payments to providers as compared to payments they would receive with a 3.1 percent transition budget-neutrality adjustment reduction. This will benefit all providers.

The RFA requires agencies to analyze options for regulatory relief of small entities, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of \$7.0 million to \$34.5 million in any 1 year. Individuals and States are not included in the definition of a small entity. All ESRD facilities will receive a zero percent budget-neutrality adjustment to their payment for renal dialysis services furnished April 1, 2011 through December 31, 2011, instead of a 3.1 percent reduction, including small dialysis facilities. We are not preparing an analysis for the RFA because the Secretary has determined that this interim final rule with comment will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Social Security Act (the Act) requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because the Secretary has determined this rule does not have a substantial impact on small rural hospitals. Most dialysis facilities are free standing and we have determined that this interim final rule with comment will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending

in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. In 2011, that threshold is approximately \$136 million. This rule will have no consequential effect on State, local, or Tribal governments or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. Since this regulation does not impose any costs on State or local governments, the requirements of Executive Order 13132 are not applicable.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services are revising the 3.1 percent transition budget-neutrality adjustment reduction to a zero percent transition budget-neutrality adjustment for renal dialysis services furnished on April 1, 2011 through December 31, 2011.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 18, 2011.

**Donald M. Berwick,**  
*Administrator, Centers for Medicare & Medicaid Services.*

Approved: March 29, 2011.

**Kathleen Sebelius,**  
*Secretary.*

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**BILLING CODE 4120-01-P**

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2011-0002; Internal Agency Docket No. FEMA-8175]

#### Suspension of Community Eligibility

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain

management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

**DATES: Effective Dates:** The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2953.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management

measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

*National Environmental Policy Act.* This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act.** The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

**Regulatory Classification.** This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

**Executive Order 13132, Federalism.** This rule involves no policies that have federalism implications under Executive Order 13132.

**Executive Order 12988, Civil Justice Reform.** This rule meets the applicable standards of Executive Order 12988.

**Paperwork Reduction Act.** This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

#### List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

#### PART 64—[AMENDED]

- 1. The authority citation for part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

#### § 64.6 [Amended]

- 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
<b>Region I</b>				
New Hampshire:				
Hudson, Town of, Hillsborough County	330092	November 17, 1977, Emerg; January 3, 1979, Reg; April 18, 2011, Susp.	April 18, 2011 ...	April 18, 2011.
Nashua, City of, Hillsborough County ...	330097	February 6, 1975, Emerg; June 15, 1979, Reg; April 18, 2011, Susp.	.....do .....	Do.
Rhode Island:				
Cranston, City of, Providence County ...	445396	September 11, 1970, Emerg; August 27, 1971, Reg; April 18, 2011, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
East Providence, City of, Providence County. Johnston, Town of, Providence County	445398 440018	June 5, 1970, Emerg; May 18, 1973, Reg; April 18, 2011, Susp. August 1, 1975, Emerg; September 1, 1978, Reg; April 18, 2011, Susp.	.....do .....	Do.
North Providence, Town of, Providence County. Providence, City of, Providence County	440020 445406	October 6, 1972, Emerg; December 15, 1977, Reg; April 18, 2011, Susp. September 11, 1970, Emerg; December 11, 1970, Reg; April 18, 2011, Susp.	.....do .....	Do.
<b>Region IV</b>				
Alabama: Randolph County, Unincorporated Areas. Roanoke, City of, Randolph County .....	010182	N/A, Emerg; November 5, 2003, Reg; April 18, 2011, Susp.	.....do .....	Do.
Wadley, Town of, Randolph County .....	010348	N/A, Emerg; May 3, 1995, Reg; April 18, 2011, Susp.	.....do .....	Do.
Wedowee, Town of, Randolph County	010183 010401	July 15, 1975, Emerg; August 19, 1985, Reg; April 18, 2011, Susp. N/A, Emerg; October 29, 1998, Reg; April 18, 2011, Susp.	.....do .....	Do.
Kentucky: McLean County, Unincorporated Areas	210153	February 6, 1979, Emerg; February 15, 1991, Reg; April 18, 2011, Susp.	.....do .....	Do.
Morehead, City of, Rowan County .....	210204	June 4, 1975, Emerg; July 5, 1982, Reg; April 18, 2011, Susp.	.....do .....	Do.
Rowan County, Unincorporated Areas ..	210203	May 19, 1975, Emerg; January 19, 1983, Reg; April 18, 2011, Susp.	.....do .....	Do.
<b>Region V</b>				
Ohio: Clyde, City of, Sandusky County .....	390489	August 14, 1974, Emerg; April 2, 1979, Reg; April 18, 2011, Susp.	.....do .....	Do.
Corning, Village of, Perry County .....	390440	July 18, 1975, Emerg; September 1, 1987, Reg; April 18, 2011, Susp.	.....do .....	Do.
Crooksville, Village of, Perry County .....	390441	April 16, 1976, Emerg; March 4, 1988, Reg; April 18, 2011, Susp.	.....do .....	Do.
Fremont, City of, Sandusky County .....	390490	June 9, 1975, Emerg; April 18, 2011, Reg; April 18, 2011, Susp.	.....do .....	Do.
Glenford, Village of, Perry County .....	390442	August 11, 1978, Emerg; August 2, 1995, Reg; April 18, 2011, Susp.	.....do .....	Do.
Green Springs, Village of, Sandusky and Seneca Counties.	390492	April 2, 1976, Emerg; August 15, 1980, Reg; April 18, 2011, Susp.	.....do .....	Do.
Hemlock, Village of, Perry County .....	390708	February 27, 1976, Emerg; August 19, 1987, Reg; April 18, 2011, Susp.	.....do .....	Do.
Lindsey, Village of, Sandusky County ...	390494	June 20, 1975, Emerg; September 1, 1978, Reg; April 18, 2011, Susp.	.....do .....	Do.
New Boston, Village of, Scioto County	390497	April 17, 1975, Emerg; January 26, 1983, Reg; April 18, 2011, Susp.	.....do .....	Do.
New Lexington, Village of, Perry County	390443	September 15, 1975, Emerg; September 2, 1982, Reg; April 18, 2011, Susp.	.....do .....	Do.
New Straitsville, Village of, Perry County.	390709	August 27, 1976, Emerg; April 17, 1987, Reg; April 18, 2011, Susp.	.....do .....	Do.
Perry County, Unincorporated Areas ....	390778	May 19, 1977, Emerg; September 27, 1991, Reg; April 18, 2011, Susp.	.....do .....	Do.
Rarden, Village of, Scioto County .....	390499	February 14, 1977, Emerg; April 17, 1989, Reg; April 18, 2011, Susp.	.....do .....	Do.
Sandusky County, Unincorporated Areas.	390486	November 13, 1974, Emerg; January 17, 1979, Reg; April 18, 2011, Susp.	.....do .....	Do.
Scioto County, Unincorporated Areas ...	390496	November 20, 1975, Emerg; June 19, 1989, Reg; April 18, 2011, Susp.	.....do .....	Do.
Woodville, Village of, Sandusky County	390495	November 21, 1975, Emerg; June 18, 1980, Reg; April 18, 2011, Susp.	.....do .....	Do.
<b>Region VI</b>				
Arkansas: Crossett, City of, Ashley County .....	050471	May 29, 1975, Emerg; June 11, 1976, Reg; April 18, 2011, Susp.	.....do .....	Do.
Hamburg, City of, Ashley County .....	050005	October 18, 1974, Emerg; April 1, 1982, Reg; April 18, 2011, Susp.	.....do .....	Do.
Montrose, Town of, Ashley County .....	050006	October 10, 1974, Emerg; March 15, 1982, Reg; April 18, 2011, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Portland, City of, Ashley County .....	050008	August 12, 1974, Emerg; March 1, 1988, Reg; April 18, 2011, Susp.	.....do .....	Do.
Wilmot, City of, Ashley County .....	050009	January 14, 1975, Emerg; March 15, 1982, Reg; April 18, 2011, Susp.	.....do .....	Do.
Oklahoma:				
Anadarko, City of, Caddo County .....	400018	July 3, 1975, Emerg; September 17, 1980, Reg; April 18, 2011, Susp.	.....do .....	Do.
Apache, City of, Caddo County .....	400019	August 6, 1975, Emerg; May 15, 1985, Reg; April 18, 2011, Susp.	.....do .....	Do.
Caddo County, Unincorporated Areas ..	400479	N/A, Emerg; June 12, 1995, Reg; April 18, 2011, Susp.	.....do .....	Do.
Carnegie, Town of, Caddo County .....	400021	September 3, 1975, Emerg; July 20, 1982, Reg; April 18, 2011, Susp.	.....do .....	Do.
Hydro, Town of, Caddo County .....	400024	January 9, 1987, Emerg; November 1, 1989, Reg; April 18, 2011, Susp.	.....do .....	Do.
Texas:				
Argyle, Town of, Denton County .....	480775	November 13, 1980, Emerg; April 16, 1990, Reg; April 18, 2011, Susp.	.....do .....	Do.
Carrollton, City of, Collin, Dallas, and Denton Counties.	480167	May 27, 1975, Emerg; July 16, 1980, Reg; April 18, 2011, Susp.	.....do .....	Do.
Celina, City of, Collin and Denton Counties.	480133	May 27, 1975, Emerg; November 1, 1979, Reg; April 18, 2011, Susp.	.....do .....	Do.
Coppell, City of, Dallas and Denton Counties.	480170	June 11, 1975, Emerg; August 1, 1980, Reg; April 18, 2011, Susp.	.....do .....	Do.
Copper Canyon, Town of, Denton County.	481508	July 8, 1985, Emerg; September 18, 1987, Reg; April 18, 2011, Susp.	.....do .....	Do.
Corinth, City of, Denton County .....	481143	March 5, 1975, Emerg; May 15, 1979, Reg; April 18, 2011, Susp.	.....do .....	Do.
Dallas, City of, Collin, Dallas, Denton, Kaufman, and Rockwell Counties.	480171	June 30, 1970, Emerg; March 16, 1983, Reg; April 18, 2011, Susp.	.....do .....	Do.
Denton County, Unincorporated Areas	480774	July 22, 1975, Emerg; May 4, 1987, Reg; April 18, 2011, Susp.	.....do .....	Do.
Denton, City of, Denton County .....	480194	February 18, 1972, Emerg; August 1, 1979, Reg; April 18, 2011, Susp.	.....do .....	Do.
Double Oak, Town of, Denton County ..	481516	May 28, 1982, Emerg; March 4, 1987, Reg; April 18, 2011, Susp.	.....do .....	Do.
Flower Mound, Town of, Denton and Tarrant Counties.	480777	July 31, 1975, Emerg; September 18, 1986, Reg; April 18, 2011, Susp.	.....do .....	Do.
Fort Worth, City of, Denton and Tarrant Counties.	480596	September 17, 1971, Emerg; June 4, 1980, Reg; April 18, 2011, Susp.	.....do .....	Do.
Frisco, City of, Collin and Denton Counties.	480134	October 7, 1975, Emerg; June 18, 1980, Reg; April 18, 2011, Susp.	.....do .....	Do.
Grapevine, City of, Dallas, Denton, and Tarrant Counties.	480598	October 3, 1974, Emerg; November 17, 1982, Reg; April 18, 2011, Susp.	.....do .....	Do.
Hackberry, City of, Denton County .....	481607	December 17, 1987, Emerg; April 2, 1997, Reg; April 18, 2011, Susp.	.....do .....	Do.
Highland Village, City of, Denton County.	481105	June 16, 1978, Emerg; July 16, 1987, Reg; April 18, 2011, Susp.	.....do .....	Do.
Krum, City of, Denton County .....	480779	N/A, Emerg; September 23, 1996, Reg; April 18, 2011, Susp.	.....do .....	Do.
Lakewood Village, Town of, Denton County.	481663	N/A, Emerg; June 11, 2009, Reg; April 18, 2011, Susp.	.....do .....	Do.
Lewisville, City of, Denton County .....	480195	January 20, 1975, Emerg; October 18, 1988, Reg; April 18, 2011, Susp.	.....do .....	Do.
Northlake, Town of, Denton County .....	480782	April 16, 1990, Emerg; September 30, 1994, Reg; April 18, 2011, Susp.	.....do .....	Do.
Plano, City of, Collin and Denton Counties.	480140	July 19, 1974, Emerg; January 2, 1980, Reg; April 18, 2011, Susp.	.....do .....	Do.
Ponder, Town of, Denton County .....	480784	N/A, Emerg; July 17, 2002, Reg; April 18, 2011, Susp.	.....do .....	Do.
Sanger, City of, Denton Counties .....	480786	December 19, 1977, Emerg; April 24, 1979, Reg; April 18, 2011, Susp.	.....do .....	Do.
Trophy Club, Town of, Denton and Tarrant Counties.	481606	June 12, 1987, Emerg; June 12, 1987, Reg; April 18, 2011, Susp.	.....do .....	Do.
Westlake, Town of, Denton and Tarrant Counties.	480614	May 24, 1993, Emerg; June 2, 1993, Reg; April 18, 2011, Susp.	.....do .....	Do.
<b>Region VII</b>				
Missouri:				
Amazonia, City of, Andrew County .....	290005	July 30, 1999, Emerg; May 1, 2005, Reg; April 18, 2011, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Bolckow, City of, Andrew County .....	290006	May 17, 1988, Emerg; May 17, 1989, Reg; April 18, 2011, Susp.	.....do .....	Do.
Country Club, Village of, Andrew County.	290604	September 13, 1976, Emerg; August 24, 1984, Reg; April 18, 2011, Susp.	.....do .....	Do.
Savannah, City of, Andrew County .....	290664	December 21, 1978, Emerg; December 21, 1978, Reg; April 18, 2011, Susp.	.....do .....	Do.

**\*-do-** = Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: March 21, 2011.

**Sandra K. Knight,**

*Deputy Federal Insurance and Mitigation Administrator, Mitigation.*

[FR Doc. 2011-8112 Filed 4-5-11; 8:45 am]

**BILLING CODE 9110-12-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 65

**[Docket ID FEMA-2011-0002]**

### Changes in Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** Modified Base (1% annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified BFEs will be used to calculate flood insurance premium rates for new buildings and their contents.

**DATES:** The effective dates for these modified BFEs are indicated on the following table and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

**ADDRESSES:** The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-4064, or (e-mail) [luis.rodriguez1@dhs.gov](mailto:luis.rodriguez1@dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final determinations listed below of the modified BFEs for each community listed. These modified BFEs have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Federal Insurance and Mitigation Administrator has resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this final rule includes the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection.

The modified BFEs are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

These modified BFEs are used to meet the floodplain management requirements of the NFIP and also are

used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings. The changes in BFEs are in accordance with 44 CFR 65.4.

*National Environmental Policy Act.* This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

*Regulatory Flexibility Act.* As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

*Regulatory Classification.* This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Executive Order 13132, Federalism.* This final rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

*Executive Order 12988, Civil Justice Reform.* This final rule meets the applicable standards of Executive Order 12988.

### List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

### PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

### § 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows: